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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,080	04/19/2004	Richard Joseph Gambino	YOR919930093US3	1858
28177	7590	02/14/2005	EXAMINER	
ALEK P. SZECSY 83 SPRUCE RIDGE DRIVE FISHKILL, NY 12524			RENNER, CRAIG A	
		ART UNIT		PAPER NUMBER
				2652

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/827,080	GAMBINO ET AL	
	Examiner Craig A. Renner	Art Unit 2652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 October 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 26-32 is/are pending in the application.
- 4a) Of the above claim(s) 29-31 is/are withdrawn from consideration.
- 5) Claim(s) 26-28 and 32 is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>19 April 2004</u> .	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

This application is in condition for allowance except for the following formal matters:

### ***Election/Restrictions***

1. Applicant's election with traverse of "claims 26-28 and 32" in the reply filed on 25 October 2004 is acknowledged. The traversal is on the grounds that "applicant does not believe that practice of applicant's group II method claims leads to a physical structure consonant with applicant's group I claimed apparatus." This argument, however, is not found to be persuasive as applicant's analysis actually further evidences the fact that these groups are distinct from one another in that "the process as claimed can be used to make other and materially different product" as per MPEP § 806.05(f).

The requirement is still deemed proper and is therefore made FINAL.

Accordingly, claims 29-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to one or more non-elected inventions/species, there being no allowable generic or linking claim.

### ***Drawings***

2. The drawings were received on 19 April 2004. These drawings are accepted.

### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

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4. The abstract of the disclosure is objected to because it does not "include that which is new in the art to which the invention pertains", i.e., the claimed invention. Appropriate correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because of the following informality:

In line 7 of claim 26, "with" should be changed to --within-- for better clarity. Appropriate correction is required.

6. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

#### ***Claim Rejections/Considerations - 35 USC § 103***

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

***Pertinent Prior Art***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This includes Coffey et al. (US 5,452,163), which teaches an apparatus (FIG. 9A, for instance) comprising a layer of ferromagnetic material (at least a portion of 90, for instance) having a plurality of nonmagnetic regions ("apertures 93") formed therein.

***Allowable Subject Matter***

9. Claims 26-28 and 32 are allowable over the prior art of record. The prior art of record does not teach nor suggest the invention as claimed in claims 26-28 and 32, wherein an apparatus comprises a ferromagnetic material layer that is formed on a substrate and has a plurality of nonmagnetic regions formed therein such that magnetic flux paths form around each nonmagnetic region when the ferromagnetic material layer is not subjected to a magnetic field, the flux paths being completely contained within the ferromagnetic material layer and not penetrating into the plurality nonmagnetic regions; and means for detecting a change in resistance through the ferromagnetic material layer as a function of a magnetic field applied to the ferromagnetic material layer.

***Conclusion***

10. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

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A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig A. Renner whose telephone number is (703) 308-0559. The examiner can normally be reached on Tuesday-Friday 7:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Craig A. Renner  
Primary Examiner  
Art Unit 2652

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